

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
 Plaintiff,) Case No. 99-076-03-CR-W-FJG
vs.) Civil No. 02-0003-CV-W-FJG
Rogelio Torres,)
 Defendant.)

ORDER

Now pending before the Court is defendant's *pro se* motion to vacate judgment filed pursuant to Fed. R. Civ. P. 60(b) (Doc. #202, filed June 30, 2005), the government's response thereto (Doc. #205, filed August 10, 2005) and defendant's reply (Doc. #206, filed September 1, 2005). Defendant argues that a reconsideration of his petition filed pursuant to 28 U.S.C. § 2255 is warranted where recent developments in the law have brought into question the validity of that decision.

Defendant's initial 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence was filed on January 2, 2002, (Case Number 02-0003-CV-W-FJG) and was denied by this Court on November 26, 2002. Defendant did not appeal this Court's decision, and its judgment denying petitioner's § 2255 motion became final on November 26, 2002.

Upon review the record, the Court finds that defendant's motion lacks merit. Accordingly, defendant's motion (Doc. #202) is denied for the reasons set forth in the government's response.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 7, 2005
Kansas City, Missouri